

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

WILLIAM T. MOCK, *et al.*,

Plaintiffs,

v.

MERRICK B. GARLAND, in his official
capacity as Attorney General of the United
States, *et al.*,

Defendants.

Civil Action No. 4:23-cv-00095-O

**UNOPPOSED MOTION OF PALMETTO STATE ARMORY, LLC, FIREARMS
REGULATORY ACCOUNTABILITY COALITION, INC., AND NST GLOBAL, LLC
(D/B/A SB TACTICAL) FOR LEAVE TO FILE *AMICI CURIAE* BRIEF IN SUPPORT
OF PLAINTIFFS' MOTION FOR SUMMARY JUDGEMENT**

Palmetto State Armory, LLC (“PSA”), the Firearms Regulatory Accountability Coalition, Inc. (“FRAC”), and NST Global, LLC (d/b/a SB Tactical) (“SB Tactical”) respectfully request leave, pursuant to Local Rules 7.1 and 7.2(b), to file a second brief as *amici curiae*, this time in support of Plaintiffs’ Motion for Summary Judgment. *See* ECF No. 98. This Court previously granted leave for PSA, FRAC, and SB Tactical to file a brief as *amici curiae* in support of Plaintiffs’ Motion for Preliminary Injunction. *See* ECF Nos. 73, 82. In accordance with Local Rule 7.1(b), Movants certify that they have conferred with attorneys for Plaintiffs and Defendants, and all parties consent to this Motion.

Movants have a concrete interest in the outcome of this litigation. As explained in the attached brief, PSA designs and manufactures guns, parts, and accessories—including pistol stabilizing brace products—for use by civilians and law enforcement. SB Tactical invented the pistol stabilizing brace and designs and sells stabilizing braces. FRAC is an industry trade group with members that design and manufacture stabilizing braces and brace-equipped guns. Because

PSA, SB Tactical, and FRAC's constituent members market and sell stabilizing braces and/or brace-equipped guns, the validity of the rule at issue in this case will determine whether these entities can continue to sell stabilizing braces and brace-equipped guns.

Movants' proposed brief will "assist[] the judge" in the resolution of this case. *See United States v. Holy Land Found. For Relief & Dev.*, No. 3:04-CR-0240-P, 2009 WL 10680203, at *2 (N.D. Tex. July 1, 2009) (Solis, J.), *rev'd in part on other grounds*, 624 F.3d 685 (5th Cir. 2010). Because *amici* represent a broad swath of the stabilizing brace market currently litigating against ATF, their experience offers a helpful perspective on the alternative bases for vacatur set forth by Plaintiffs.

Finally, the fact that the motion is unopposed further supports granting leave to file. *See, e.g.*, ECF No. 82 (granting unopposed motion for leave to file *amicus* brief); Order Granting Unopposed Mot. for Leave to File Amicus Br. and Mots. For Leave to Appear Pro Hac Vice, *Wells v. Lumpkin*, No. 4:21-cv-01384-O (N.D. Tex. Jan. 30, 2023), ECF No. 45 (O'Connor, J.) ("Because the motions [for leave to file amicus briefs] are unopposed they are all GRANTED."); Order, *VanDerStok v. Garland*, No. 4:22-cv-00691-O (N.D. Tex. Sep. 8, 2022), ECF No. 57 (O'Connor, J.) (summarily granting four motions for leave to file amicus briefs).

For these reasons, Movants respectfully request that the Court grant the Motion.

November 21, 2023

/s/ Stephen J. Obermeier

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CERTIFICATE OF SERVICE

On November 21, 2023, I electronically filed the above paper with the Clerk of Court using the Court's electronic case filing system, and I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

Dated: November 21, 2023

Respectfully submitted,

/s/ Stephen J. Obermeier
Stephen J. Obermeier